

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YESSUH SUHYES HUSSEY,

Plaintiff,

-against-

MS. BOYD, SOCIAL WORKER OF KIRBY  
FORENSIC PSYCHIATRIC CENTER,

Defendant.

23-CV-4344 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently detained in the Eric M. Taylor Center on Rikers Island,<sup>1</sup> brings this *pro se* action under 42 U.S.C. § 1983, alleging that on October 6, 2022, Defendant Ms. Boyd, a social worker at Kirby Forensic Psychiatric Center (“Kirby”), shared his confidential medical information.<sup>2</sup> For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted a substantially similar complaint against Boyd alleging that she unlawfully shared his confidential medical information at Kirby on October 6, 2022. That case is pending before the Court under docket number 23-CV-2907 (LTS).<sup>3</sup> Because this complaint raises the same claims, no useful purpose would be served by the litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff’s pending case under docket number 23-CV-2907 (LTS).

---

<sup>1</sup> At the time he filed this action, Plaintiff was detained in the Anna M. Kross Center on Rikers Island.

<sup>2</sup> Plaintiff originally filed this action in the United States District Court for the Eastern District of New York. *See Hussey v. Boyd*, No. 23-CV-2170 (PKC) (LB) (May 16, 2023). By order dated May 16, 2023, the Eastern District of New York transferred this action to this court. (ECF 5.)

<sup>3</sup> Plaintiff also originally filed that action in the United States District Court for the Eastern District of New York. *See Hussey v. Boyd*, No. 23-CV-0534 (PKC) (LB) (E.D.N.Y. Mar. 24, 2023). By order dated March 24, 2023, the Eastern District of New York transferred that action to this court. ECF 1:23-CV-2907, 8.

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

**CONCLUSOIN**

The Court dismisses Plaintiff's complaint as duplicative of No. 23-CV-2907 (LTS).

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is further directed to mail a copy of this order to Plaintiff's address of record as well as to 176 Clarkson Avenue, Apt. 5J, Brooklyn, New York 11226.

The Clerk of Court is also directed to enter judgment in this action.

SO ORDERED.

Dated: May 26, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge